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TOM LYTHGOE, CHAIR

CHUCK NOTBOHM

KEN WEBER

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
July 18, 2006**

Present: Commissioners Lythgoe, Notbohm and Weber; Harold Stepper, County Planner; Mike Hoffman, Assistant Planner; Matt Johnson, County Attorney; Kellie Doherty, Personnel Officer; Gretchen George, Health Department; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Dennis Lay, Melissa Tumler, Celia Wolny

CALENDAR REVIEW

7/20 CTAC - 8:00
Safety Committee - 9:00
Justice Court budget meeting - 1:00
District Court budget meeting - 1:30
RMDC - 2:00
Solid Waste board meeting - 7:00

COMMISSION REPORTS

JLDC PLANNING MEETING

Commissioner Lythgoe reported that he attended the annual JLDC planning meeting on the 12th. They discussed the scope of work for the coming year.

RIDGEVIEW MAJOR SUBDIVISION

Commissioner Lythgoe reported that the Commissioner attended the on-site review of the Ridgeview subdivision and the public hearing that night. At the hearing, they heard from one proponent and one opponent.

ELKHORN WORKING GROUP

Commissioner Lythgoe reported that there was not a quorum present at the Elkhorn Working Group meeting on Thursday.

DEPARTMENTAL BUDGET MEETINGS

Commissioner Lythgoe reported that the Commissioners had been meeting with departments to

review their budget the previous day and that morning. They have met with 11 departments so far, and he is impressed with how frugal everyone is being.

LIBRARY BOARD

Commissioner Weber reported that he attended the Library Board meeting on Thursday night. The Board expressed a desire to come into compliance with the points made in a letter from the Commission. The new board member just appointed has turned down the appointment because he will be moving out of state. The board will be working with the personnel office to come into compliance in their hiring practices, and they will also work to come into compliance with public meeting regulations.

PAINT THE STATE

Commissioner Weber reported that he has spent a lot of time the past week finding and judging the Paint the State entries for meth awareness.

CLANCY/UNIONVILLE AREA

Commissioner Notbohm stated that Dorothy Lake has a permit to graze her cattle on Forest Service lands, but she is being blocked access to her leased land. Part of the stipulation of her lease is that she must repair fences, but she can't get up there.

CORRESPONDENCE

Carl Purdy, IT Manager, presented a three-year contract with Qwest for the trunk line for phones. The contract was signed.

SUBDIVISION REVIEW

PRELIMINARY PLAT APPROVAL - OAKS MINOR SUBDIVISION

Mike Hoffman, Assistant Planner, presented his staff report. Mike noted that the developer has requested a variance allowing for one point of ingress-egress. Due to drainage issues, two points of ingress-egress would be too costly. Mike recommended that preliminary plat approval be granted. Commissioner Notbohm asked Mike if he feels one ingress-egress is adequate. Mike stated that he does; the road meets the requirements for length and width, but because of the natural drainage, they are not able to move the road. Commissioner Weber moved to grant preliminary plat approval. Commissioner Notbohm seconded. The motion carried.

PRELIMINARY PLAT APPROVAL - LUPINE LANE ESTATES MINOR SUBDIVISION

Mike presented his staff report. The developer is requesting a variance allowing for one point of ingress-egress. Mike recommended that preliminary plat approval be granted. Commissioner Lythgoe asked if the subdivision is in compliance to the length versus width of the lots. Mike stated that it is close, but the lots are in compliance. Commissioner Weber stated that lot 5 seems to be out of compliance. A review of the lot dimensions followed. Commissioner Lythgoe stated that Mike may want to look at this again, as it seems there are a couple lots that may not be in compliance. He stated that the Commission can grant a variance for this, but it will need

to be noted in the conditions of approval. Commissioner Notbohm asked if anything needs to be done with the road as it crosses the creek. Mike stated that Ben has looked at this, and the surveyor has submitted plans. Commissioner Lythgoe asked the length of the road to the cul-de-sac. Mike stated that it is about 1300 feet.

Commissioner Weber moved to grant preliminary plat approval to the Lupine Lane Estates Minor subdivision, with the caveat that a variance regarding the length versus width be taken care of before final plat approval. Commissioner Lythgoe seconded. The motion carried.

PRELIMINARY PLAT APPROVAL - ZIPPERIAN MINOR SUBDIVISION

Mike presented his staff report and noted that a variance will be required. Bridge standards require that a bridge be 24 feet wide, but the current bridge is 21 feet wide. It would be cost prohibitive to replace. He recommended that preliminary plat approval be granted.

Commissioner Notbohm moved to grant preliminary plat approval. Commissioner Weber seconded. Commissioner Lythgoe noted that this subdivision only has one point of ingress-egress. Mike stated that, technically, this is correct, but Ben didn't think it would be an issue. Eventually, there will be another subdivision which will have a loop road. Commissioner Lythgoe pointed out that there would still just be one access to 282. Mike stated that this is correct. Commissioner Weber stated that they need to deal with what they have today, even if it is a one-lot split. He asked about the bridge. Dennis Lay stated that this is a one-lot split around the original homestead, which contains burial plots. They are trying to preserve the homestead for the family. He noted that the bridge was put in by the state, and it is a good bridge. He is not aware if Ben has looked at the bridge. Commissioner Notbohm asked about the future subdivision. Dennis stated there are 90 acres that are going to be sold off, but nothing is definite at this time. Commissioner Weber asked if the parents are buried there, on the 20-acre parcel. It was stated that they are. Commissioner Weber stated that he thinks they need to have the grave sites on the plat. Dennis stated that this will not be difficult to do. A memo from Ben was presented, and stated that the bridge is in good condition. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

DISCUSS ISSUE OF CHARGES FROM COUNTY PAPER OF RECORD

Gretchen George, Office Manager at the County Health Department, stated that she sent Health Board agendas to the *Whitehall Ledger*. She got a call from the editor who said that he had been getting a bunch of agendas and hasn't been putting them in the paper. He said that he would run her agenda, and sent her a bill for \$80. Matt stated that there is nothing in statute that would require the legal paper of record to public agendas without charge. Commissioner Weber stated that he spoke with the editor, who has spoken with the prior owner of the paper. He will continue with the procedures they had. Commissioner Weber stated that he didn't have a lot of information when he called the editor, but he has the bill now and will call him back to discuss this further.

Jan Anderson, publisher of the *Boulder Monitor* and the *Jefferson County Courier*, stated that the July 18, 2006 minutes.wpd

editor is perfectly within his rights to charge. She doesn't charge, because the public needs to know. However, agendas are different from legal notices, which are part of the contract. This might be something the Commission wants to add to the contract specifications. Commissioner Weber noted that resolution specifies that agenda are to go to the *Ledger*. He has a feeling that this is a non-issue at this time.

DISCUSS AMENDING SUBDIVISION REGULATIONS ON INGRESS/EGRESS TO SUBDIVISIONS

Harold Stepper, County Planner, stated that at the last regular planning board meeting, the board discussed a proposed change to the subdivision regulation language to read: *"Each subdivision shall provide at least two different ingress-egress routes. If for some reason two different ingress-egress routes are not attainable, the developer will submit a written request for a variance to the governing body prior to Preliminary Plat approval. The request must contain a proposed plat of the subdivision. A variance request approval does not constitute a Preliminary Plat approval for the subdivision."* He stated that by doing this up front, maybe they can address some of the problems that come up frequently. Mountainous areas don't always allow for two points of ingress-egress. They will still strive for two points, but in many cases it is not attainable.

Commissioner Weber asked about the need for a change in the language, noting that the Commission dealt with two variances earlier in the meeting. He questioned the need for this when there is a variance procedure in place. Commissioner Lythgoe stated that the reason it is needed is because it can cost a developer a significant amount getting to preliminary plat. If there is a real potential that they won't get a variance, they need to know that before they spend a lot of money. Commissioner Weber noted that the language states a preliminary plat is required. Commissioner Lythgoe stated that he has a problem with the language too. Proposed plan may be better; the developer would just need a rough drawing to present. Matt stated that this is what his comment was going to be. "Plan" would be better than "plat". It seems that over fifty percent of the developments they see have a problem with the two points of ingress-egress. He feels that it is best to treat this up front, which will also assist the developer.

Commissioner Notbohm asked if a developer can request a decision from the Commission before they go to Harold. Matt stated that most all talk to Harold first, who in turn gives them the information they need for their plan. He spoke with Ben today, and with the new road standards, there is less potential for problems with width, etc. Commissioner Notbohm stated that they have been pretty easy with variances in the past; they need to be clear that there is some protection for the Commission if they deny. He stated that he has a problem with one point of ingress-egress on large subdivisions, because of the safety issues.

Commissioner Weber stated that the subdivision language still requires two points of ingress-egress, but it does give an option for a variance. Commissioner Lythgoe stated that this just allows for a developer not to have to spend a lot of money and then be told that he can't get a variance. Commissioner Notbohm noted that if there is only going to be one point of ingress-egress, they need to make sure that the developer upgrades the access they do have. Harold noted that they do have the ability to put conditions on roads, i.e. on mountainous terrain with width issues, they can require turn-outs so that vehicles can pass. Commissioner Lythgoe noted

that this is on the agenda for decision next week.

YOUTH DYNAMICS - UPDATE ON EXPANSION

Peter Daegle with Youth Dynamics came to update the Commission on their expansion plans. He stated that they are a private non-profit serving Montana kids since 1981. They have a budget of 8.5 million, and a payroll of 5 million. When YDI purchased AYA, they made four promises up front. They would retain the essential elements of the experiential program, they would hire from within the existing staff first, they would staff within the licensing standards and they would expand to fill the facility.

Peter stated that all direct care workers were offered jobs at essentially the same salary, but not everyone took the offer. They did eliminate several administrative positions and some therapists chose not to stay with them. They plan to expand to treat more youth, and they are almost done with renovations. They are working with the JLDC, and the plan is to make it more home-like. Currently, there are 16 kids in the residential program, and 16 to 18 in day treatment. When renovations are completed and they have more staff, they hope to have four 8-bed facilities. When they are all done, they hope to employ 50 people. The cost of the renovation is \$30,000 - \$50,000, most of it spent here in Boulder. The kids served in the past year are the same kind they hope to deal with in the future. They will bring in specialists to deal with individual needs. They hope to eventually have a chemical-dependency center.

Peter stated that YDI has proven themselves in the other communities they are in; they do good work, are good neighbors, work well with kids and the families. Commissioner Weber asked if they are re-starting the outdoor program. Peter stated that research is showing that it is easier to expand group homes. The market for the outdoor program is very fluid at this point. Commissioner Notbohm asked how things are going overall. Peter stated that it is going really well. Their greatest frustration is recruiting staff, with gas prices and housing being major concerns. Commissioner Notbohm asked what type of housing would be best for the staff. Peter stated that people want to own, but affordability is key; most are in the salary range in the 20s. Commissioner Lythgoe stated that at the JLDC planning meeting, this was an issue. There is a concerted effort on their part to develop some sort of housing. Commissioner Notbohm suggested that they coordinate with RMDC. Commissioner Lythgoe stated that this is one group the JLDC is going to partner with.

Celia Wolny asked if the improvements to the buildings is being funded by YDI or the JLDC. Peter stated that it is a partnership. The JLDC is working with existing things and YDI is paying for new things.

Celia asked if they work with sex offenders. Peter stated that some have sex issues; most are the result of sexual abuse, and counselors rate the risk. They have low to medium risk kids at this facility. Celia stated that at a certain level, you can't have these kids mingle with other children. She asked if they are going to have a separate building or wing. Peter stated that he isn't going to say for sure; the plan is to have a group home environment. Celia asked if this is going to be a lock-down facility. Peter stated that it will be the same as it is now. However, if they see good treatment reasons to separate someone, they would. Celia stated that she doesn't have any concerns at this time about the type of client. However, if they have different clients, she may have concerns. As a member of the community, she would want to know the type of clientele, for her comfort. Peter stated that there are a certain type of kid that do well in group homes. If

not, it is better for all if they are somewhere else. There is a screening process, so they aren't going to have kids that will be a risk.

DISCUSS AND DECIDE ON TOP THREE PAINT THE STATE METH AWARENESS PROJECT ENTRIES FOR JEFFERSON COUNTY

Commissioner Weber stated that he has spent quite a bit of time looking at the entries in Jefferson County. They should all be very proud; the kids really rose to the occasion. The entrants used paint, welding, wood craft, and great innovative ideas. There was one entry done by girls who are in Riverside due to meth. He has picked the top three, which was very tough. Jan Anderson, *Boulder Monitor/Jefferson County Courier*, noted that this has evoked a lot of comments from parents and grandparents that have come to or called her office. She suggested that it might be best if all three Commissioners weigh in and make the decision. A review and discussion of the entries followed. Commissioner Weber moved to award first place to the artwork in Boulder with the wrecked car, second place to artwork in Whitehall on the side of the Napa building, and third place to the artwork facing northbound I-15 with "Prom Queen/Meth Queen". Commissioner Notbohm seconded. The motion carried.

DISCUSS AND DECIDE ON AWARDING MONETARY PRIZE TO PAINT THE STATE ENTRIES NOT IN THE TOP THREE

Commissioner Weber stated that he verified with the Paint the State officials that this is allowable. Other counties have done this, and it is within our right to do. Commissioner Weber moved to use \$1000 from PILT and award each of the ten remaining entrants \$100 each for their effort and spreading the anti-meth message. Commissioner Lythgoe seconded. The motion carried.

RESOLUTION 21-2006 SETTING ELECTED OFFICIAL'S SALARY

Commissioner Weber read the resolution as follows:

RESOLUTION 21-2006

SALARIES OF COUNTY OFFICIALS

WHEREAS, the County governing body shall, by Resolution, on or before August 1 of each year, adjust and uniformly fix the salaries of the County Clerk and Recorder, County Treasurer, County Superintendent of Schools, County Sheriff, and Clerk of District Court based upon the recommendations of the County Compensation Board provided for in §7-4-2503 (4), MCA, and

WHEREAS, the Compensation Board has recommended the following:

- That the Clerk and Recorder be compensated for election duties in the amount of \$2,000.00.
- That the Clerk and Recorder be compensated an additional \$3,000.00 for assessor

duties.

- That the Sheriff be compensated an additional \$4,900.00 for coroner duties.
- That the Elected Officials receive a 2% COLA increase on the base salary of FY 2005-2006 for the 2006-2007 fiscal year.

NOW, THEREFORE, BE IT RESOLVED, that the base salaries for the elected officials of Jefferson County for fiscal year 2006-2007 be established as follows:

County Clerk & Recorder/Assessor/Election Administrator	\$41,324.16 (plus existing longevity)
County Treasurer	\$41,324.16 (plus existing longevity)
Clerk of District Court	\$41,324.16 (plus existing longevity)
Superintendent of Schools - half time	\$20,662.08 (plus existing longevity)
County Sheriff/Coroner	\$41,324.16 (plus existing longevity)
County Commissioners	\$41,324.16 (plus existing longevity)
County Attorney	\$79,070.40 (plus existing longevity)

BE IT FURTHER RESOLVED, that the County Commissioners and the Sheriff shall receive an additional \$2000.00, and the Superintendent of Schools will receive an additional \$1,000.00 (as a half-time position) as provided by law. The State Department of Justice pays a portion of the County Attorney's salary.

DATED this 18th day of July, 2006.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER

Commissioner Weber moved to adopt the resolution. Commissioner Lythgoe seconded. The
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motion carried.

RESOLUTION 22-2006 SETTING SALARY FOR THE JUSTICE OF THE PEACE

Commissioner Lythgoe read the resolution as follows:

RESOLUTION 22-2006

SALARY OF THE JUSTICE OF THE PEACE

WHEREAS, pursuant to §3-10-208, MCA, the Board of County Commissioners is required to set the salary for the Justice of the Peace by resolution; and

WHEREAS, §3-10-207, MCA requires that the salary of the Justice of the Peace be set at a level not less than the salary received by the District Clerk of Court; and

WHEREAS, §3-10-208, MCA, requires the office hours be designated by the Board of Commissioners by resolution;

NOW, THEREFORE, BE IT RESOLVED, that the Justice Court office shall be open for transaction business from 8:00 a.m. to 12:00 (noon) and from 1:00 p.m. to 5:00 p.m., every day of the year except holidays, Saturdays and Sundays.

BE IT FURTHER RESOLVED that the salary for the County Justice of the Peace for fiscal year 2006-2007 be set at \$41,324.16, plus existing longevity.

DATED this 18th day of July, 2006.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER

Commissioner Weber moved to adopt the resolution. Commissioner Notbohm seconded. The motion carried.

DISCUSS AND DECIDE ON SPEED LIMIT RECOMMENDATION ON OLD 282
BETWEEN MONTANA CITY AND SOUTH HILLS ROAD

Commissioner Lythgoe stated that MDT did a speed study on this section of road. The current July 18, 2006 minutes.wpd

speed is 70 mph, and they are suggesting that it be lowered to 60 mph. Commissioner Lythgoe moved to write a letter to MDT informing them that the Commission concurs with their recommendation. Commissioner Notbohm seconded. The motion carried. Commissioner Notbohm stated that he wishes that they as a Commission had a majority vote in these matters, since they live and drive on these roads. He noted that people bike and walk this road, and there is no shoulder.

The meeting was recessed until 7:00 p.m. at the Montana City School

Present: Commissioners Lythgoe, Notbohm and Weber; Bill Lloyd and Jeremiah Theys, Great West Engineering; Bruce Supalla, Craig and Kellie Doolittle, Pius Gleich, Bob and Barb Kenison, Ed and Vicki Caissey, Anne Curran, Kari and Pete Brustkem, Todd Garrison, Rob and Mary Gayle Padmos, Bob Zimmer, Joe Triem, Larry Gayle Sheldon, Lisa DeWitt, Tiffany Sauer, Eddy McClure, Scott Todorovich, Carol Ann Jacobsen, Mark Studt, Nordhagen, Carl and Elizabeth Bergstrom, Erick Anderson, Jim Kehr, Kathy River, Rod Sager, Ron and Von Pearson, Janet Brooke, Jim Whaley, Bob Gleich, Doylea Alberta Honea, Mike Dowling, Sheri Howell, Harvey Howell, Jim O'Connor, Pam Collins, Ann Marie Carte, Jan Anderson, Ruth Ann Lloyd, Darcy Kreamer, Andrea and Marty Logan, Brian Smith, Rick Schlener, Bert Glueckert, Richard O'Connor, Hal Hay, Patti Glueckert, Debby Dils, Susan Emery, Jim Nolan, Mike James, Richard River

Commissioner Lythgoe called the meeting to order and turned in over to Jeremiah Theys of Great West Engineering.

Jeremiah stated that this is an informational meeting, and started by giving a background of the project. They decided that assessing per parcel would be the most equitable. They are estimating that the cost will be \$3,162 per parcel, which breaks down to \$253/year, assuming 5% interest. The maintenance will start at \$90/year.

Bill Lloyd stated that tonight's meeting is for public information only. The RID has not been formed yet. He explained the process to form the RID. The Commission will adopt a resolution of intention to form the RID, which will be sent out to everyone in the district. This will start a 30-day protest period. If over 50% of the homeowners protest, the RID will fail. There will be another public meeting at the end of the 30-day period, which will be at a regular Commission meeting.

Ann Marie Carte stated that they need to have the meetings at night, noting that people work and have problems getting away to attend afternoon meetings. Commissioner Lythgoe stated that this is why there are having this meeting. He noted that people are at this meeting because they got a personnel invitation. If they go through the normal process of posting agendas for day or night meetings, there is no attendance.

Ann Curan asked about the assessment per parcel; is this going to be on the entire acreage or per acre. Bill stated that the assessment would be on the entire acreage. Ann stated that the reason some of them bought rural is because they wanted to live rural on a dirt road. She noted that she will still live on a dirt road, but will be paying to pave the roads. Bill stated that there are four

ways to access; lineal frontage would not be fair, because there are people who do not live on the road, but still benefit from it. Because of arterials and collectors, all in the area will benefit from these improvements. Ann stated that even now most people travel over the speed limit, and asked if there will be more monitoring after the improvements. This will impact their lifestyle; they are going from dust to death. Commissioner Lythgoe stated that a few years ago the Commission adopted South Hills Road for law enforcement purposes, but it really hasn't been followed through with. He stated that a 25 mph sign is not legal; the minimum is 35 mph. When these roads become county roads, they will have the responsibility to control the speed on the roads.

Dave Olson asked when the project will start, after approval. Bill said that the plan is to start immediately, with improvements to begin in the spring.

Mark Studt asked about South Hills Drive being partially in Lewis and Clark County and the City of Helena. Bill stated that all improvements will go to the pavement. There is no means to assess residents of another county. Mark asked how they will do the work in another county. Bill stated that Jefferson County will need to get an encroachment permit. Commissioner Lythgoe stated that he has spoken with Lewis and Clark County and this can be done. They can hope that Lewis and Clark residents will join in. It just doesn't make sense to pave half of the road.

Tiffany Sauer asked about what was on the primary ballot, as there was some confusion with that. Commissioner Lythgoe stated that this was a special option license tax that would be applied to all car registrations. Tiffany stated that she lives in the first house on Pronghorn. They are going to have to pay the same taxes as everyone further up the road. Currently, they have to deal with everyone's dust. She stated that people in Montana used to drive slow on dirt roads. We need to get as much information as possible to these people; we are in the fastest growing part of the state, like it or not. People need to understand that it is not just their little parcel; they are sharing traffic with huge quarry trucks, and it is a safety issue. She questioned the quality of life in ten years if things continue as they are.

Mae Nan Ellingson, bond council, stated that there is no clearly stated authority to assess property out of the county. One might argue that if the residents are amenable, they could work together, but in every case, extra-jurisdictional property owners have a different protest process, and they are viewed separately.

Todd Garrison asked if there is a way to do speed control, such as speed bumps. Commissioner Lythgoe stated that this was tried on Lime Kiln, but the law does not allow for this. Todd asked if there is any other option. Bill stated that it is difficult in settings like South Hills Road, which is a long straight stretch. Todd asked when they would have the voting material in hand. Commissioner Lythgoe stated that they want to have the project finished by fall of the following year, and they hope to send the materials out in August.

Bruce Supalla asked about the protest vote. If they protest, are they trying to kill the RID, or protest how it is assessed. Commissioner Lythgoe stated that a protest vote is intended to kill the RID. Bruce noted that the RMD is half funded by the County, and asked if it would come out of their taxes later. Bill stated that the assessed money for the RMD is to cover materials. The amount for the RID is set, and property owners cannot be added or subtracted. The RMD can be

reviewed on a yearly basis, and new parcels added to that. Bruce stated that an article in the paper said the RMD can change, and asked about the RID. Bill stated that the RID is attached to a parcel of land, as a lien against the parcel. Bruce asked if they go from 250 houses to 1000 in year 19, those extra houses would get a free ride? Bill stated that there is no way to assess new parcels, per statute.

Janet Brook asked if there are any other RIDs or RMDs in the County. Commissioner Lythgoe stated that they partnered with Lewis and Clark County on a RID on Lime Kiln, and there is a RMD on South Hills Drive. He stated that one of the reasons the Commission wanted to do the RID this way is that Lewis and Clark County has a lot of small RIDs, and they are difficult to manage. Jefferson County wants to do larger RIDs. It makes sense from a management standpoint, and it also makes the money go farther.

Commissioner Weber stated, to go back to the free ride comment, the assessment goes against the property. If someone is going to subdivide, they will have to pay that off. He asked Mae Nan if someone could pay this off early with no penalty. Commissioner Lythgoe also had a question for Man Nan; he has subdivided his property with no intention of selling. If he does sell a parcel, can the buyer take over the payment. Mae Nan stated that there is no requirement to pay off; the payment is usually pro-rated as taxes. A person can pay off in a lump sum to the next interest period. One thing that she would like to mention, having done RIDs for 25 years, if you go by area, it can become a hardship for those with large parcels with no intent to ever subdivide. This has been discussed at length, and equal assessment per lot is the most equitable.

Bill stated that the reason the RID is being recommended at this time is because of the road standards, which state that when a road reaches a certain number of ADT, it be paved. The area is now at that number of ADT, and there will continue to be growth. If they continue to do anything, in the future there will be more parcels, but worse roads.

Commissioner Lythgoe stated that he has lived on Tiger Gulch for 13 years. When he moved there, he also never intended to live somewhere with paved roads. However, after being there for 13 years and seeing what has happened with traffic, dust, and all the other issues, he doesn't see any other option.

Barb Kenison asked if, during the 30-day period, if they give no response, that is considered a yes vote. Bill stated that this is correct; you have to protest out.

Darcy Kreamer asked what Destiny Hills is considered, noting that she lives there and adjustments were made for some who live outside of the boundaries. Commissioner Lythgoe stated that Destiny Hills is a RMD, not a RID. Commissioner Weber stated that as a thoroughfare and collectors, rather than a loop road, it is only fair to access all who use the roads.

Ed Casey asked for an explanation of hard surface versus paving, how long it will last. Bill stated that the roads will be a double shot chip seal. This is much more cost effective. This went through a lot of conversation and thought. Commissioner Lythgoe noted that we don't have a paved road in the County; all hard surface roads are chip seal. Ed asked about the possibility of an impact fee. Commissioner Lythgoe stated that the Commission hasn't decided on this yet. By law, they would have to hire a consultant to conduct a study, and it averages \$70,000 to put a

study together. Given the size of the County, etc., an expert they spoke with didn't think it was feasible to implement at this time. An impact fee couldn't be used for this in any case, as it is only for new subdivisions.

Rod Sager stated that these roads are being considered because they are collectors, but asked about others such as Jackson Creek, McClellan Creek, etc. Are they in a RMD now. Bill stated that they are outside of the boundaries. Rod stated that this needs to be addressed as a fairness issue. If they are a collector, the maintenance of those need to be in the county road budget.

Elizabeth Bergstrom stated that this is along the same lines of the question she wanted to ask. She has lived in the area for ten years and paid taxes. This money has not gone for any maintenance on her road, and now the County wants to assess more. She stated that they have been paying for everyone else's roads. Commissioner Lythgoe stated that there just isn't enough money. They did the road department budget earlier in the day, and there is 1.5 million dollars to take care of 700 miles of road. This project alone is \$800,000. Commissioner Notbohm stated that the road department is not set up to build roads, they are maintenance. He also suggested that if people look at their tax bill, they would see that only \$40 - \$50 goes to the road department. Elizabeth stated that she doesn't have a problem with the hard surfacing, but with the maintenance; they will be double taxed. Commissioner Notbohm stated that the road department does an incredible amount of work.

Rod Sager stated that he agrees with Commissioner Notbohm as far as the amount of the tax bill that goes to roads, noting that most people don't look at their tax bill and see how little of it goes to roads. He stated that the Commission needs to do a better job of getting the word out about proposed levies, and they'll pass. Rod also noted that the article in the paper gave a figure of \$300-plus for the maintenance district, and now they are being given a lower number. Bill stated that this has been a work in progress. They were looking at additional roads at one point. Rod asked if they looked at a 10-year bond amount. Bill stated that he has the figures, but not with him. He noted that the bond can be paid off earlier.

Ann Curan stated that she supports the road, but not the maintenance, and asked if they can protest just the maintenance. Commissioner Lythgoe stated that it doesn't make any sense to build the road if you aren't going to maintain it. Rod Sager stated that it is two separate statutes, and they should be able to protest separately. Commissioner Lythgoe stated that a couple years ago the County put forth mill levies for the road, sheriff, health department and library. They had public meetings around the county, but the mill levies for the road department and sheriff didn't pass. It is the responsibility of the Commission to the residents of the County to keep in mind health, safety and welfare. They are trying to come up with something that will work, which isn't easy. Some think that this is fair and some don't.

Commissioner Weber stated that the reason it seems the Commission gives the papers bad information is that the meetings are open, and they have easily had fifty different ideas discussed in a public forum. The media has the opportunity to attend and print what is discussed at a meeting. While the Commission would like to be able to give the final at the front of the process, they can't, and they didn't give the press bad information. This has been a learning process. Tonight, they are seeing the final product. The Commission is not ignorant, the Commission is not trying to dupe anyone. The public has merely been able to see the entire process.

Susan Emery stated that many years ago Crossfire looked at paving South Hills Drive, but they were not able to bring it up to County road standards. She asked what is different at this time. Bill stated that, looking at South Hills Drive, especially in light of recent improvements, it appears that the road can be constructed to County road standards, although it may need a variance at some points.

Dr. Kehr, president of the South Hills Drive Road Association, stated that he assumes that the Commission will let their maintenance district sunset if this RID/RMD goes through. He stated that he would also assume that people who currently pay Crossfire dues will no longer have to pay those dues. He stated that he used to pay \$250 to Crossfire, and he now pays \$250 for the RMD, and the road has been better maintained. Someone asked if there is any guarantee that the homeowner dues will go away. Commissioner Lythgoe stated that they are not sure; they have not yet approached the homeowner's associations. He thinks that most or all of the dues could go away, or some could still be assessed for weed control. Rod Sager noted that the homeowners vote on the dues annually.

Mike Dowling stated that he would like to commend the Commission for doing this. They have done something that a lot of people have been trying to do for some time. He noted that Lime Kiln is not up to county road standards, and asked if they plan to tear it up and rebuild it. Commissioner Lythgoe stated that they have talked to the residents and tried to set up a meeting. The Commission would like to take over the road to the end; it doesn't make sense to have a 24-foot road meet with an 18-foot road.

Debby Dils stated that she lives on the corner of Holmes Gulch and South Hills, and asked if there are any plans for dust control, or for any maintenance. It was stated that there are no plans for dust control. Debby noted that they will need to keep Crossfire then. Commissioner Weber stated that the County has a 50/50 cost share for dust abatement.

Commissioner Lythgoe stated that one reason the Commission is trying to do something is that most of the homeowner's associations are not working.

Ron Pearson stated that the roadway is privately owned by each homeowner, and weed control is up to each homeowner. Crossfire stopped doing anything when this was brought to their attention. As far as removing Crossfire dues from the assessment, that is up to the members. The feeder roads, such as Martinez Gulch, will still be the responsibility of the residents.

Bruce Supalla asked if the ballot that is going to be mailed out will contain all of the information. Bill stated that the mail-out will have all of the information related to the RID/RMD. Commissioner Lythgoe stated that when this goes into the mail, all costs will be included. Mae Nan stated that what will be mailed out is the notice of what the assessment will be per parcel, and the boundaries of the RID. They can't issue bonds on anything other than actual costs. The engineers have estimated high, to allow for cost increases. She then gave a rough schedule of events. It was asked when they would be assessed, and she stated that if the district is created in September, the first assessment will be on the November 2007 tax bill.

Robert Padmus asked if the road will have a 24-foot crown, striping and drainage improvements. Bill answered yes to all; the roads will be built to meet the current County road standards. Ron

Pearson noted that the notice to be sent out is very explicit by statute. It is going to be very informative. Bill noted that this is why they have Mae Nan as bond council. Ron stated that he hopes that there will be some means of being able to make “for” or “against” and sending back. He asked if this is possible and if the County is willing. Mae Nan stated that it is not required by law, but the Commission could include a sheet to send back if they so wish. Bill noted that the intent of this meeting is to inform everyone.

Sherry Howell stated that there is a huge hill on Holmes Gulch that affect sight distance, and asked if the RID passes, will it be the responsibility if the County to cut this down. Bill stated that this is largely part of the South Helena interchange project.

Tiffany Sauer asked that the engineering group that designs the road talk to longtime homeowners regarding the snow levels. Bill stated that it may be an issue of snow fences, etc. rather than road design.

Edie McClure stated that South Hills Road has a lot of walkers and bikers, and asked if there is any chance for a bike lane. Bill stated that a 24-foot road surface doesn't allow for a bike lane. It was discussed, but not included in the plan. Commissioner Weber stated that they continue to add to the system of non-motorized trails. While this isn't on the table at this time, it could happen in the future. Commissioner Lythgoe noted that the little bit of trail around the Montana City School cost \$120,000.

Sherry Howell stated that the road will be raised on Holmes Gulch, and asked who will be responsible to raise the meeting roads. Bill stated that Colonial is being raised through a state project.

Mae Nan stated that her office can draft the mail out, publications and the final resolution. Once they have construction bids, she will draw up the resolution for the sale of the bonds. Once that is done, they are ready to sell the bonds, which need to be competitively sold. They will need a financial advisor at that point. This will be too big for local banks, so they'll need to rely on D.A. Davidson or someone similar. They can have the project include a financial advisor, noting that if they go to all of this trouble, the last thing they'll want is not to be able to sell the bonds.

Commissioner Lythgoe asked if the \$743,000 figure includes everything. Jeremiah stated that it does. Mae Nan stated that the County has a fair amount of flexibility on what to charge; it can cover the advertising and mailing. They want to make sure that the records are really, really good, and they usually use the last assessment roll. The county could go the extra step and hire a title company to research and make sure that the list the county has is the most up-to-date. Jeremiah stated that they have discussed going to a title company to make sure that we have the most up-to-date list, as they have had several invitations come back. Commissioner Notbohm stated that they don't want to give anyone any reason to get sued. Commissioner Lythgoe also stated that there are several people that feel that they shouldn't be included as they don't use the road, but he is not in favor of them opting out, as it could shut down the entire project. Mae Nan stated that before they adopt a resolution of intent and decide to have 231 parcels, they may want to exclude these parcels out before they get to the public hearing stage. Commissioner Notbohm stated that they can't tell him that these people won't use the road once it is improved. Mae Nan also noted that if you talk to a realtor or appraiser, the market value of these homes will increase once the road is done. Commissioner Lythgoe stated that they need to make a determination on

this. Commissioner Weber stated that they shouldn't change anything. Mae Nan noted that for every person they let out, the cost to others rises.

Commissioner Lythgoe noted that prices for fuel and materials are going up rapidly. Bill stated that they have built in contingency. Mae Nan stated that there will be a bit of lag time; they adopt this now and won't bid until spring. Commissioner Lythgoe stated that they have the advantage of Helena Sand and Gravel in the area on the South Helena Interchange project. Bill stated that it is very difficult to estimate now in his opinion. He doesn't see a way that oil can continue to increase as it has.

Bill asked what they should do if the title companies are tied up until mid-August. Mae Nan stated that it won't be the end of the world if they have to postpone things for a week or two. Bill stated that he would make some calls the following day.

Commissioner Weber asked if they create the RID or RMD, or the resolution of intent to form them, are they then accepting the roads as county roads. Mae Nan stated that this is a question for the County Attorney. There was a road law class held in Missoula recently. If none of them attended the class, she stated that they need to get the materials.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER